IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 29 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GROUP GENERAL MANAGER

Versus

SPECIAL LAND ACQUISITION OFFICER

Appearance:

1. First Appeal No. 29 of 2002

MR AJAY R MEHTA for APPELLANT

MS SHRADDHA TRIVEDI, AGP for Respondents

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 08/01/2002

ORAL JUDGEMENT

By means of filing this appeal under Section 54 of the Land Acquisition Act and Section 96 of the Code of Civil Procedure, the appellant, acquiring body seeks to

challenge the judgement and award dated February 28, 2001 in Review Petition No. 1 of 2001 by the Extra Assistant Judge, Mehsana by which Review Petition filed by the opponent No. 3 is allowed and consequently appellant was directed to pay additional amount of rent at the rate of Rs. 1.55/- per sq.mtr. over and above Rs. 0.45 per sq.mtr. awarded and paid by the learned special land acquisition officer with interest at the rate of 9% per annum on the additional amount of rent from the date rent become due till realisation.

2. The appellant is the acquiring body for which the lands in question had been temporarily acquired by the Special Land Acquisition Officer, that is, Respondent No.1. The original claimant, that is, land owner, Respondent No.3, feeling aggrieved by the award of compensation by the Special Land Acquisition Officer, had sought for a reference for enhancement of the rental and for additional crop compensation. He, however, wrongly stated that the Land Acquisition Officer had awarded Rs. 4.50 per sq.mtr. The Reference Court, after hearing arguments had, vide its order dated August 14, 2000 was pleased to dismiss the Reference intera lia holding that the claimants were not entitled to seek the reference since adequate compensation had been awarded by the Special Land Acquisition Officer. It appears from the record of the case that thereafter the original claimant had filed Review Petition No. 1 of 2001 on January 22, 2001 inter alia contending that an error has been committed by the Reference Court in holding that the Special Land Acquisition Officer had awarded rental compensation at the rate of Rs. 4.50/- per sq. mtr. whereas actually the award was only for Rs. 0.45/- per sq. mtr. The claimants had, therefore, sought review of the previous judgement by which the reference was rejected. The Reference Court, after considering the case facts and circumstances, had reviewed its judgement and had been pleased to award Rs.2/- as compensation as claimed by the claimant, which has given rise to the present appeal at the instance of the original acquiring body.

3. I have heard Mr. Ajay R Mehta, learned advocate for the appellant, original acquiring body. I have also perused the averments made in the memo of appeal as well as impugned judgement and award dated February 28, 2001 recorded in Review Petition No. 1 of 2001 by the learned Extra Assistant Judge, Mehsana. I have also perused the set of evidence including oral as well as documentary, which have been supplied by the learned advocate during the course of his submission.

4. On having perusal of the aforesaid documents, I am of the opinion that in view of the fact that Respondent No.3, original claimant had made a wrong statement that the Land Acquisition Officer had awarded Rs. 4.50/- per sq.mtr. by way of rental compensation, the Reference Court had rejected the said reference. However, realising the said mistake, respondent No.3, original claimant had sought for review by saying that the Land Acquisition Officer had awarded only Rs.0.45/per sq.mtr. The Reference Court thought it fit that the said compensation is meagre, therefore awarded Rs. 2/- by way of rental compensation as claimed by the claimant.

5. In view of the aforesaid evidence, I am of the opinion that no infirmity or illegality is committed by the Reference Court in accepting the Review Petition by which the Court has awarded just and reasonable compensation to Respondent No.3, original claimant, which does not require any interference by the hands of this Court while exercising powers in this Appeal.

6. It is a settled legal position that even at the final hearing stage when the appellate court agrees with the reasons given and conclusions arrived at by the Trial Court, it is not necessary for the appellate court to reiterate the evidence and elaborately state reasons for reaching the same conclusion. Expression of general agreement with the reasons given and conclusions arrived at by the Trial Court would be sufficient. This is so held by the Supreme Court in the case of GIRIJANANDINI DEVI AND OTHERS V. BIJENDRA NARAIN CHOUDHARY, AIR 1967 SC 1124. In the instant case, as indicated hereinabove, I agree with the reasons given and conclusions arrived at by the Reference Court as no other conclusion was possible on the facts and in the circumstances emerging from the record of the case.

7. Seen in the above context, this appeal found meritless and accordingly deserves to be dismissed.

8. For the foregoing reasons, first appeal fails and is accordingly dismissed leaving the parties to bear their own costs.

(A.M.Kapadia, J)

Jayanti*